

**BEFORE AN EXPERT PANEL
SOUTHERN SEAWALL RENEWAL PROJECT**

FTAA-2510-1118

Under the **FAST-TRACK APPROVALS ACT 2024**

In the matter of an application by Wellington International Airport Limited for
approvals for the Southern Seawall Renewal Project

**JOINT MEMORANDUM OF COUNSEL FOR WELLINGTON INTERNATIONAL
AIRPORT LIMITED AND WELLINGTON CITY COUNCIL REGARDING
RESERVES ACT APPROVALS**

27 March 2026

MAY IT PLEASE THE PANEL:

1. INTRODUCTION

- 1.1 This joint memorandum of counsel is filed on behalf of Wellington International Airport Limited (**WIAL**) and Wellington City Council (**WCC**) and provides the Panel with proposed documents for the Reserves Act 1977 (**Reserves Act**) approvals that WIAL has applied for under the Fast-track Approvals Act 2024 (**FTAA**).
- 1.2 The proposed documents for the Reserves Act approvals are attached to this memorandum as **Attachment 1 (proposed documents)**. The proposed documents have been developed by WIAL and WCC and both parties are comfortable that these documents include suitable terms and conditions for the Reserves Act approvals.

2. BACKGROUND

- 2.1 WIAL is applying for the approvals necessary for the Southern Seawall renewal project (**Project**), including Reserves Act approvals (in the form of leases and licences) to enable activities on local purpose (esplanade) reserve land held by WCC under the Reserves Act.
- 2.2 WCC's written approval for those activities is a necessary precursor to the Panel granting the approvals under the FTAA. Clause 7(3)(a) of Schedule 6 requires the Panel to decline the Reserves Act approval application where it is *"not satisfied that the local authority has provided written agreement for the activity to be undertaken on the reserve"*.
- 2.3 For completeness, clause 7(4) of Schedule 6 provides that WCC must not unreasonably withhold its agreement and, in deciding whether to give its agreement, must take into account the purpose of this FTAA and any relevant matters under the Reserves Act 1977.
- 2.4 As advised to the Panel in WIAL's response to section 53 comments and section 51 reports dated 17 March 2026:
 - (a) WCC provided its written agreement on 30 April 2025 for the Reserves Act approval applications to be considered and approved (or declined) by the Panel under the FTAA.
 - (b) WCC and WIAL have been working on the draft lease and licence documents and committed to provide the final agreed versions of these

documents to the Panel before the Panel is required to issue draft conditions to the parties for comment.

3. OVERVIEW OF THE PROPOSED DOCUMENTS

3.1 WIAL and WCC have agreed that the most appropriate form for the Reserves Act approvals is as follows:

- (a) A lease for the main construction period, which will provide WIAL with the exclusive right to use and occupy reserve land for the seawall renewal works and following that, to carry out the rehabilitation of the reserves.
- (b) When the Project has achieved practical completion, the lease will terminate and three licences will commence as follows:
 - (i) a licence authorising WIAL to continue to situate the seawall on the reserves and to monitor and maintain the seawall into the future;
 - (ii) a licence authorising WIAL to continue to monitor and maintain the planting within the Reserve Restoration Area as required by the resource consent conditions; and
 - (iii) a licence authorising WIAL to access the reserves to monitor and maintain the Stage 2 Kororā Colony as required by the resource consent conditions (the colony is situated outside reserve land but can only be accessed via reserve land).

3.2 WIAL and WCC have prepared the proposed documents to provide for these activities, based on WCC's standard template for activities on reserve land.

3.3 Both WCC and WIAL agree that the proposed documents include suitable terms and conditions for the Reserves Act approvals that WIAL has applied for under the FTAA. In particular, the proposed agreements:

- (a) Clearly distinguish between WIAL's exclusive and non-exclusive rights to use the reserve land. The lease will provide WIAL with exclusive rights to use the reserve land. This is necessary to enable WIAL to safely and efficiently deliver the Project. However, the duration and spatial extent of the lease have been carefully defined to ensure that these exclusive rights do not last longer or cover more land than is necessary for WIAL to deliver the Project.

- (b) Following the termination of the lease, the three licences will commence. These licences will provide WIAL with non-exclusive use rights over the reserves, meaning that the reserves will otherwise return to being available for public use.
- (c) The lease and licence documents cross-refer to the proposed resource consent conditions and therefore require the reserves to be rehabilitated following construction of the Project in the manner proposed in the resource consent conditions. This includes the requirement to rehabilitate the reserves in general accordance with the Moa Point Landscape Concept Plan. Following the removal of 'fence 4', WCC is comfortable with that Concept Plan.¹ In addition, the proposed documents provide WCC with a separate right to approve the planting and landscaping to be delivered on this reserve land.²

4. CONCLUSION

- 4.1 Both WCC and WIAL agree that the proposed documents contain suitable terms and conditions for the Reserves Act approvals that WIAL has applied for under the FTAA.
- 4.2 WIAL therefore requests the Panel to grant the Reserves Act approvals on the terms and conditions set out in the proposed documents.

Dated this 27th day of March 2026



**D Randal / T Ryan / F Wedde
Counsel for WIAL**



**W Swan
Counsel for WCC**

¹ As noted in WIAL's response to section 53 comments and section 51 reports.

² Refer to clause 7.2 of the proposed lease document.